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10/044,052

REMARKS

The undersigned requests that a personal interview be held with my representative to discuss the issues raised below.

The Abstract was objected to as being too long. This has been corrected.

Claims 1, 11 and 22 were rejected as being indefinite. The use of the expression "such as " in claims 1 and 11 was objected to and the expression has been canceled. In claim 22, the Examiner stated that the expression "weep hole" lacked antecedent basis. This has been corrected.

Claims 1-10 and 22-39 were rejected as being anticipated by US Patent Number 5,343,661 of Sourlis.

Claims 11-21 were rejected as being unpatentable over US Patent Number 6,912,820 of Sourlis, in view of Sourlis '661.

Sourlis '661 discloses a mortar and debris collection device and system. The wall shown is a cavity wall, that is, the wall is made up of "two wythes of masonry separated by an air space", that is, the cavity (col. 4, lines 13-15). Moisture collecting in the air space is intended to run down the cavity wall and be directed by flashing 20 toward the weep holes 18 (see col. 4, lines 30-33). The fibrous body which prevents debris from clogging the weep hole is located in the air space (or cavity). In the present invention, there is a single wythe wall and the fibrous body is located within the inner cells of the structural elements making up the bottom course of the wythe wall. In addition, flashing is not employed, and the bottom course of elements is in direct contact with the weep holes through mortar (see Fig. 1). As mortar does not bond to metal, which is the customary material used for flashing, the wall in the present invention is more secure.

Sourlis '820 has a drainage system for use in masonry block construction and shows a pan 30 located between the bottom course of the blocks and the foundation wall. The pan contains notches 64 and 66 containing wicks or strips 40 to carry out moisture. The strips 40 perform the function of the water-

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permeable bodies employed in the present invention except that the shape and construction are entirely different as will be explained below. Also, the strips do not extend into the inner cells of the masonry as in the present invention. In an alternative embodiment, this reference shows a T-shaped sheet 72 of water permeable material extending up from the wick "stuffed in a core 36 of the first course" (col. 5, lines 42-44). From the description (there is no figure) it appears that the sheet lines one or more walls of the inner cell. In the present invention, the bottom of the water-permeable body fills substantially the whole cross sectional area of the inner cell (see Fig. 5), and may extend up through one or more additional courses (see Fig. 1). The shape of the water permeable bodies in the present invention are such as to allow or direct the debris to collect around each body. This feature is not found in any of the above references.

In view of the excellent art cited by the Examiner, claim 1 has been extensively amended to recite a single wythe wall made up of multiple courses of masonry elements each having a hollow inner cell communicating with a drainage weep hole and a separate water permeable body in each hollow inner cell of the bottom course and having a lower end which substantially fills its cell area, and a cross section which decreases upwardly allowing debris to collect on a surface on and around the body. This basic combination of features is not taught or suggested in any of the above references either singly or in combination. Neither Sourlis patent '661 nor '820 teaches the filling of the recess area, for example.

Independent claim 11, which is drawn to the wythe wall itself, has been amended to be restricted to the wythe wall. Sourlis '661 has a cavity wall, not a wythe wall, as noted earlier and in Sourlis '820, the water permeable body covers only a small portion of the inner cell area. Basically, Sourlis '820 relies on a wick to fill a weep hole. Also, the claim recites that the debris collects around the body as clearly seen in Fig. 5 among other figures.

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Method claim 21 has been amended to correspond with the structural features of claim 1. The method of inserting a separate body in each cell, filling the bottom area of the cell with a bottom end of the body and reducing in cross section as the device extends upwardly allowing collection of the debris around the body in each cell does not appear to be taught or suggested in any of the above references even if their features are combined.

Independent claim 22 has been amended to recite that the debris collects around each of the bodies in each cell.

Claims 31-39 have been canceled in order to expedite prosecution of the application.

The depending claims add some features not taught or suggested in the above references such as extending into courses above the bottom course of masonry elements into courses above, and details of the shape of the water permeable bodies.

New claims 40-43 depending from method claim 21 have been added reciting some of the additional features as to the height of the bodies and their shape. In addition, claim 41 recites that the bottom course of masonry elements is in direct contact with the drainage weep hole through mortar in an upper surface of an underlying foundation wall, as clearly illustrated in Fig. 1.

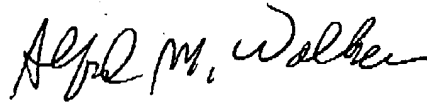
In view of the foregoing, it is believed that the claims in their present form clearly depart from the above references and should be allowed.

A conscientious effort has been made to place this application in condition for immediate allowance. The Examiner is requested to call the undersigned if further changes are required to obtain allowance of the application.

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A favorable action is solicited.

Respectfully submitted,



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CERTIFICATE OF FAX TRANSMISSION

I certify that the aforementioned Amendment is being sent by fax
transmission to 571-273-8300.

Dated: March 1, 2007


Alfred M. Walker